

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

CONCORD MUSIC GROUP, INC., et al.,

Plaintiffs,

v.

ANTHROPIC PBC,

Defendant.

Case No. 3:23-cv-01092

Chief Judge Waverly D. Crenshaw, Jr.
Magistrate Judge Alistair Newbern

DECLARATION OF ATTORNEY TIMOTHY CHUNG

I, **Timothy Chung**, hereby declare pursuant to 28 U.S.C. § 1746, as follows:

1. I am an attorney at the law firm of Oppenheim + Zebrak, LLP (“O+Z”). I represent Plaintiffs Concord Music Group, Inc., Capitol CMG, Inc., Universal Music Corp., Songs of Universal, Inc., Universal Music – MGB NA LLC, Polygram Publishing, Inc., Universal Music – Z Tunes LLC, and ABKCO Music, Inc. (collectively, “Publishers”) in this matter.

2. I respectfully submit this declaration in support of Plaintiffs’ Motion for a Preliminary Injunction. I have knowledge of the facts stated herein based on personal knowledge and my review of the documents, files, websites, and other items referenced herein. If called upon to do so, I am able to testify competently to the matters as stated herein.

3. As part of their evidence collection, O+Z attorneys and staff submitted queries regarding Publisher-owned compositions to Claude in the same way that any user could through the web browser interface available at <https://claude.ai>. For the queries described herein, O+Z preserved evidence of Claude’s responses as .pdf files of the associated webpages. Attached as **Exhibit A** hereto is a true and correct copy of the .pdf files preserving Claude’s responses to queries submitted by O+Z.

4. As of November 15, 2023, O+Z attorneys were still receiving infringing outputs from Claude despite perceived attempts by Anthropic to implement guardrails preventing infringing outputs. For example, **Exhibit A** includes a true and correct copy of the Claude chatbot interface on November 15, 2023 at 3:24 p.m. Eastern Standard Time, showing that when prompted “Can you write a remix of Halo?”, Claude generated text including the bridge, chorus, and second verse of “Halo,” performed by Beyoncé and written by Beyoncé Knowles, Evan Bogart, and Ryan Tedder, to which Concord Music Group owns the copyright.

5. Attached as **Exhibit B** hereto is a true and correct copy of an article by Alex Pham published by Billboard on June 27, 2015, entitled “Google Licenses LyricFind for Search Results,” available at <https://perma.cc/JC2A-TTYM>.

6. Attached as **Exhibit C** hereto is a true and correct copy of a Spotify for Artists web page from Spotify’s website, entitled “Lyrics,” available at <https://perma.cc/9AJL-266Q>.

7. Attached as **Exhibit D** hereto is a true and correct copy of a web page from Musixmatch’s website (last updated on Nov. 2, 2022), entitled “Where will my lyrics be distributed?” available at <https://perma.cc/7LZ7-A5X6>.

8. Attached as **Exhibit E** hereto is a true and correct copy of an article by Krystal Hu and Jaiveer Shekhawat published by Reuters on May 23, 2023, entitled “Google-backed Anthropic raises \$450 mln in latest AI funding,” available at <https://perma.cc/WZP9-MBTU>.

9. Attached as **Exhibit F** hereto is a true and correct copy of a web page from Anthropic’s website, entitled “Meet Claude,” stating there is “no training on your data” under the “Safer” heading, available at <https://perma.cc/29B3-QMND>.

10. Attached as **Exhibit G** hereto is a true and correct copy of webpage from Anthropic’s website, entitled “Frequently Asked Questions,” which states, “Claude is designed to be self-

contained, and will respond without searching the internet” under the “Can Claude access the internet?” heading, available at <https://perma.cc/29B3-QMND>.

11. Attached as **Exhibit H** hereto is a true and correct copy of an article posted to Anthropic’s website, entitled “Claude’s Constitution,” available at <https://perma.cc/W48V-P3ZC>.

12. Attached as **Exhibit I** hereto is a true and correct copy of Anthropic’s federal trademark registration for its “ANTHROPIC A.I.” mark, registered on Jan. 11, 2022.

13. Attached as **Exhibit J** hereto are true and correct copies of Anthropic’s federal trademark applications for its “ANTHROPIC” mark, filed on June 16, 2023.

14. Attached as **Exhibit K** hereto is a true and correct copy of Anthropic’s Terms of Service, effective Sept. 6, 2023, available at <https://console.anthropic.com/legal/terms>.

15. Attached as **Exhibit L** hereto is a true and correct copy of an article by Steve Dent posted to Engadget’s website on Sept. 25, 2023, entitled “Amazon bets \$4 billion on OpenAI rival Anthropic,” available at <https://perma.cc/6UGT-9G3S>.

16. Attached as **Exhibit M** hereto is a true and correct copy of an entry from Anthropic’s guide to prompt engineering resources, entitled “Glossary” (last updated five months ago), from Anthropic’s website, available at <https://perma.cc/NXZ6-DNVR>.

17. Attached as **Exhibit N** hereto is a true and correct copy of an entry from Anthropic’s guide to prompt engineering resources, entitled “Introduction to Prompt Design” (last updated on Nov. 2, 2023), available at <https://perma.cc/T4N4-WPKZ>.

18. Attached as **Exhibit O** hereto is a true and correct copy of a chart from Anthropic’s website, depicting Anthropic’s model pricing for its Claude models (last visited Nov. 14, 2023), available at <https://perma.cc/GE6W-HUA8>.

19. Attached as **Exhibit P** hereto is a true and correct copy of an article posted to Anthropic's website on Sept. 7, 2023, entitled "Introducing Claude Pro," available at <https://perma.cc/S4H4-68JJ>.

20. Attached as **Exhibit Q** hereto is a true and correct copy of an article posted to Anthropic's website on March 14, 2023, entitled "Introducing Claude," stating Claude may be treated as an "A.I. assistant" and "can help with use cases including summarization, search, creative, and collaborative writing, Q&A, coding and more," available at <https://perma.cc/L872-GN43>.

21. Attached as **Exhibit R** hereto is a true and correct copy of a web page from Anthropic's website, entitled "Put Claude to Work," stating "Claude is able to integrate seamlessly into web search as well as private search over knowledge bases, synthesizing search results triggered by user questions into natural language answers," under the "search" heading, available at <https://perma.cc/V5TR-7GQZ>.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my personal knowledge and belief.

Executed in New York, NY, this 16th day of November, 2023.



Timothy Chung

CERTIFICATE OF SERVICE

I hereby certify that on November 16, 2023, I authorized the electronic filing of the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

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